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Ministry of the Environment and Climate Change
Ministère de l'Environnement et de l'Action en matière de changement
climatique

ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER 9698-AG2RM7

Issue Date: February 10, 2017

DiCiocco Sonny Farms Inc.
308 Talbot Rd E
Leamington, Ontario
N8H 3V6

Site Location: 310 Talbot Road East
Lot 239, STR Concession
Municipality of Leamington
County of Essex, Ontario

You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:

stormwater management facilities serving a vegetable greenhouse development with a total catchment area of approximately 16.43 hectares including Phase 1 greenhouse and future Phases 2 and 3 greenhouses, as well as a service building and a parking lot, located at 310 Talbot Road East, in the Municipality of Leamington, to attenuate post-development peak flows to the 2 year pre-development level for all storm events up to and including the 100 year return storm, consisting of the following:

- drainage pipe system for the conveyance of surface runoff from parking lot area and open areas in to an oil/grit separator;
- one (1) oil/grit separator - ADS Model 3612WQA, having a maximum flowrate of 25 litres per second and a sediment storage capacity of 1000 litres, an oil storage capacity of 500 litres, a total holding capacity of 1900 litres, discharging effluent via pipes into a stormwater detention pond;
- roof water drainage pipe systems, and grassed swales, discharging roof-top and surround surface runoff into a stormwater detention pond;
- one (1) stormwater detention pond (Phases 1, 2 and 3 Pond), having a 0.6 metre deep permanent pool and a total active storage volume of 9,770 cubic metres with a maximum water elevation level of 179.990 metres for the 100 year storm event, complete with an outlet structure comprising a catchbasin manhole with a 248 millimetre diameter orifice pipe and a stop gate on a 525 millimetre diameter outlet pipe, discharging, with a maximum release rate of 157 litres per second for the 100 year storm event, into a relocated Lamarsh Creek & William Young Drain;

including erosion/sedimentation control measures during construction and all other controls and appurtenances essential for the proper operation of the aforementioned Works;

all in accordance with the supporting documents set out in **Schedule A** attached to this Approval.

For the purpose of this environmental compliance approval, the following definitions apply:

"Approval" means this entire document and any schedules attached to it, and the application;

"Director" means a person appointed by the Minister pursuant to section 5 of the EPA for the purposes

of Part II.1 of the EPA;

"District Manager" means the District Manager of the Sarnia/Windsor District Office;

"EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;

"Ministry" means the ministry of the government of Ontario responsible for the EPA and OWRA and includes all officials, employees or other persons acting on its behalf;

"Owner" means DiCiocco Sonny Farms Inc. and includes its successors and assignees;

"OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;

"Works" means the sewage works described in the Owner's application, and this Approval.

You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

1. GENERAL PROVISIONS

(1) The Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Works is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.

(2) Except as otherwise provided by these conditions, the Owner shall design, build, install, operate and maintain the Works in accordance with the description given in this Approval, and the application for approval of the Works.

(3) Where there is a conflict between a provision of any document in the schedule referred to in this Approval and the conditions of this Approval, the Conditions in this Approval shall take precedence, and where there is a conflict between the documents in the schedule, the document bearing the most recent date shall prevail.

(4) The Conditions of this Approval are severable. If any Condition of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this Approval shall not be affected thereby.

(5) The issuance of, and compliance with the Conditions of this Approval does not:

(a) relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement, including, but not limited to, the obligation to obtain approval from the local conservation authority necessary to construct or operate the sewage Works; or

(b) limit in any way the authority of the Ministry to require certain steps be taken to require the Owner to furnish any further information related to compliance with this Approval.

2. EXPIRY OF APPROVAL

(1) The authorization provided by this Approval will cease to apply to those proposed parts of the Works remaining unconstructed ten (10) years after the date of this Approval.

(2) In circumstances when the future Phases 2 and 3 greenhouses are not developed as currently planned and the changes will trigger modifications to the approved stormwater management works, the Owner may need to apply for an amendment to this Approval.

3. CHANGE OF OWNER

(1) The Owner shall notify the District Manager and the Director, in writing, of any of the following changes within thirty (30) days of the change occurring:

(a) change of Owner;

(b) change of address of the Owner;

(c) change of partners where the Owner is or at any time becomes a partnership, and a copy of the most recent declaration filed under the *Business Names Act*, R.S.O. 1990, c.B17 shall be included in the notification to the District Manager; and

(d) change of name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C39 shall be included in the notification to the District Manager.

(2) In the event of any change in ownership of the Works, other than a change to a successor municipality, the Owner shall notify in writing the succeeding owner of the existence of this Approval, and a copy of such notice shall be forwarded to the District Manager and the Director.

4. EFFLUENT LIMITS

(1) The Owner shall operate and maintain the Works such that the four (4) month rolling average concentrations of the materials named below as effluent parameters are not exceeded in the effluent from the Works.

Table 1 - Effluent Limits	
Effluent Parameter	Concentration Limit Four (4) month Rolling Average** (milligrams per litre unless otherwise indicated)
Total Phosphorus	0.5
Nitrate Nitrogen	20
Potassium	25
Copper	0.02
Chloride	200
Sulphate	200
Zinc	0.10
pH of the effluent maintained between 6.5 to 10.0*	

Note*: pH would be individual event discreet sample, not a four (4) month rolling average.

Note**: For an example of rolling average, see Figure: "Understanding Rolling Average" in Schedule B.

(2) Notwithstanding any other conditions of this Approval, the Owner shall ensure that the effluent from the Works is essentially free of floating and settable solids and does not contain oil or any other substance in amounts sufficient to create a visible film or sheen or foam or discolouration on the receiving waters.

5. OPERATION AND MAINTENANCE

(1) The Owner shall inspect the Works at least two (2) times per year and, if necessary, clean and maintain the Works to prevent the excessive build-up of sediments, oil/grit, and/or vegetation.

(2) The Owner shall maintain a logbook to record the results of these inspections required by

Condition 5(1) and any cleaning and maintenance operations undertaken, and shall keep the logbook available for inspection by the Ministry.

6. MONITORING AND RECORDING

The Owner shall, upon commencement of operation of the Works, carry out the following monitoring program:

(1) All samples and measurements taken for the purposes of this Approval are to be taken at a time and in a location characteristic of the quality and quantity of the effluent stream over the time period being monitored.

(2) Samples shall be collected at the following sampling points, at the frequency specified, by means of the specified sample type and analyzed for each parameter listed and all results recorded:

Table 2 - Effluent Monitoring	
Sampling Station	Effluent from the stormwater detention pond, or in the stagnant pond in the vicinity of the outlet when no discharge occurring and which is representative of the volume of stormwater as a whole.
Sampling Type	Grab
Sample Frequency	Monthly (year-round)
Sampling Parameters	Total Suspended Solid, Total Ammonia Nitrogen, Nitrate Nitrogen, Total Phosphorus, Ortho Phosphorus (Phosphorus as Phosphate), Zinc, Copper, Manganese, Iron, Molybdenum, Boron, Chloride, Sulphate, Potassium, Hardness, pH.

(3) All sample collected under Condition 6 shall be analyzed by a laboratory accredited by the Canadian Association for Laboratory Accreditation.

(4) The sampling frequencies and parameters specified in subsection (2) are minimum requirements which may, after twelve (12) months of monitoring in accordance with this Condition, be modified by the Director in writing from time to time. The sampling frequencies and/or parameters specified may be reduced where authorized in writing by the Director if the Owner is able to demonstrate satisfactory performance for two (2) consecutive years.

(5) In the event of an exceedance of the four (4) month rolling average concentration values of the trigger parameters listed in Table 3 during the prescribed monitoring events per Table 2, the Owner shall develop a contingency plan within three (3) months of such an occurrence evaluating the root cause for the exceedance, and recommending actions / measures to be taken to prevent future occurrences of such events, and submit the plan to the Director for review and approval.

Table 3 – Trigger Concentration Values for Monitoring	
Trigger Parameter	Concentration - four (4) monthly rolling average (milligrams per litre)
Nitrate Nitrogen	15
Total Phosphorus	0.3
Potassium	20
Total Suspended Solid	30

(6) Once accepted by the Director, the Owner shall implement the contingency plan within three (3) month of receiving approval.

7. REPORTING

(1) The Owner shall report to the District Manager or designate, any exceedence of any parameter specified in Condition 4 orally, as soon as reasonably possible, and in writing within seven (7) days of the exceedence.

(2) In addition to the obligations under Part X of the EPA, the Owner shall, within ten (10) business days of the occurrence of any reportable spill as defined in Ontario Regulation 675/98, bypass or loss of any product, by-product, intermediate product, oil, solvent, waste material or any other polluting substance into the environment, submit a full written report of the occurrence to the District Manager describing the cause and discovery of the spill or loss, clean-up and recovery measures taken, preventative measures to be taken and schedule of implementation.

(3) The Owner shall, upon request, make all manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.

(4) The Owner shall prepare, and submit to the District Manager upon request, a performance report, on an annual basis, by April 1 for the previous calendar year. The reports shall contain, but shall not be limited to, the following information:

- (a) a summary and interpretation of all monitoring data and a comparison to the concentration limits and trigger concentration values of the parameters outlined in Condition 4 and 6;
- (b) a description of any operating problems encountered and corrective actions taken;
- (c) a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the Works;
- (d) a summary of any effluent quality assurance or control measures undertaken in the reporting period;
- (e) a summary of any complaints received during the reporting period and any steps taken to address the complaints;
- (f) a summary of all by-pass, spill or abnormal discharge events;
- (g) any other information the District Manager requires from time to time.

PROHIBITION

The Owner shall ensure that the Stormwater Management Facilities are operated exclusively for the collection, transmission, treatment and disposal of stormwater runoff. Under **no** circumstance shall any process wastewater (including, but not limited to, the wastewater from irrigation of the plants, the wastewater from the washing of floors/vegetable (if any), floor drain wastewater, or boiler blow downs or condensate) generated from the site be discharged into the Stormwater Management Facilities.

Schedule A

1. Application for Approval of Sewage Works dated September 26, 2016 and submitted by Henry

DiCiocco, Owner of the DiCiocco Sonny Farms Inc.

2. A design brief for DiCiocco Farms Greenhouse Expansion dated October 29, 2012 and revised on March 14 2014, including calculation prepared by N.J. Peralta Engineering Ltd.

3. An engineering drawing set dated April 12, 2016 prepared by N.J. Peralta Engineering Ltd.

4. New computer modelling result dated November 7, 2014 prepared by N.J. Peralta Engineering Ltd.

5. Other additional supporting information and documentation provided by N.J. Peralta Engineering Ltd.

Schedule B

Figure: Understanding Rolling Average

A four month rolling average is an average value based on the 4 most recent months of data. The average “rolls along” with the most recent data. Rolling average is a useful means of illuminating trends in data where there is wide variation in the data from sample event to sample event.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
P1	0.20	0.30	0.36	0.55	0.45	0.20	0.30					
P2	0.20	0.30	0.36	0.55	0.45	0.20	0.30	0.25				
P3	0.20	0.30	0.36	0.55	0.45	0.20	0.30	0.25	0.15			

For example: from the Table above:

- the 4 month rolling average for July reporting (for P1) is $(0.55+0.45+0.20+0.30)/4 = 0.37$

- the 4 month rolling average for August reporting (for P2) is $(0.45+0.20+0.30+0.25)/4 = 0.30$

- the 4 month rolling average for September reporting (for P3) is $(0.20+0.30+0.25+0.15)/4 = 0.22$

The reasons for the imposition of these terms and conditions are as follows:

1. Condition 1 is imposed to ensure that the Works are built and operated in the manner in which they were described for review and upon which approval was granted. This condition is also included to emphasize the precedence of Conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review. The condition also advises the Owners their responsibility to notify any person they authorized to carry out work pursuant to this Approval the existence of this Approval.

2. Condition 2 is included to ensure that the Works are constructed in a timely manner so that standards applicable at the time of Approval of the Works are still applicable at the time of construction, to ensure the ongoing protection of the environment.

3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to the approved works and to ensure that subsequent owners of the Works are made aware of the Approval and continue to operate the Works in compliance with it.

4. Condition 4 is imposed to ensure that the effluent discharged from the Works to the receiver meets the Ministry's effluent quality requirements thus minimizing environmental impact on the receiver.

5. Condition 5 is included to require that the Works be properly operated and maintained such that the environment is protected.

6. Condition 6 is included to enable the Owner to evaluate and demonstrate the performance of the Works, on a continual basis, so that the Works are properly operated and maintained at a level which is consistent with the design objectives specified in the Approval.

7. Condition 7 is included to provide a performance record for future references, to ensure that the Ministry is made aware of problems as they arise, and to provide a compliance record for all the terms and conditions outlined in this Approval, so that the Ministry can work with the Owner in resolving any problems in a timely manner.

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me, the Environmental Review Tribunal and in accordance with Section 47 of the Environmental Bill of Rights, 1993, S.O. 1993, c. 28 (Environmental Bill of Rights), the Environmental Commissioner, within 15 days after receipt of this Notice, require a hearing by the Tribunal. The Environmental Commissioner will place notice of your appeal on the Environmental Registry. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:

1. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary* Environmental Review Tribunal 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5	AND	The Environmental Commissioner 1075 Bay Street, Suite 605 Toronto, Ontario M5S 2B1	AND	The Director appointed for the purposes of Part II.1 of the Environmental Protection Act Ministry of the Environment and Climate Change 135 St. Clair Avenue West, 1st Floor Toronto, Ontario M4V 1P5
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*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.gov.on.ca**

This instrument is subject to Section 38 of the Environmental Bill of Rights, 1993, that allows residents of Ontario to seek leave to appeal the decision on this instrument. Residents of Ontario may seek leave to appeal within 15 days from the date this decision is placed on the Environmental Registry. By accessing the Environmental Registry at www.ebr.gov.on.ca, you can determine when the leave to

appeal period ends.

The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.

DATED AT TORONTO this 10th day of February,
2017

Fariha Pannu, P.Eng.
Director
appointed for the purposes of Part II.1 of
the *Environmental Protection Act*

NH/
c: Area Manager, MOECC Windsor Area Office
c: District Manager, MOECC Sarnia District Office
Henry DiCiocco, DiCiocco Sonny Farms Inc.